

Remarks:

The Notice of Non-Compliant Amendment issued December 2, 2009 indicated that claims 1 and 6 were erroneously identified as “Previously Presented” instead of “Currently Amended.” With this paper, claims 1 and 6 have been correctly identified as “Currently Amended.”

Claims 1-8 are pending. Claims 1 and 6 are amended; and claims 3 and 7 are cancelled by the virtue of this response. No new matter is added as support for the amendments is found within the Specification and the drawings as filed. It is submitted that the application, as amended, is in condition for allowance.

The Applicant is not conceding that the subject matter recited in the amended or canceled claims is not patentable over the art cited by the Examiner. The amended, withdrawn or cancelled claims are provided solely to facilitate expeditious prosecution of the allowable subject matter. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the amended or cancelled claims in one or more continuing applications.

Claim of Priority:

Applicant notes that the Examiner has not acknowledge the Applicant’s claim of foreign priority under 35 U.S.C. § 119(a). None of the boxes were marked on the Office Summary page. Please let us know if all, some or none of the copies have been received.

Figures:

Applicant notes that none of the boxes were marked on the Office Summary page to indicate that the Examiner has accepted the Drawings. Please advise.

§102 Rejection(s):

Claims 1-8 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,560,403 to Tanaka (hereafter “Tanaka”). This rejection is respectfully traversed.

Anticipation of a claim under 35 U.S.C. §102 (a), (b) and (c) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim" and "[t]he elements must be arranged as required by the claim." MPEP §2131. In addition, anticipation of claims using a drawing requires that "the picture must show all the claimed structural features and how they are put together" and "[t]he drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art," MPEP §2125.

Claim 1, as amended, recites a method of playing audio separately from a video disc, the method comprising reading a first pack from among a plurality of packs stored in the video disc, wherein the first pack includes a data packet, wherein a first subset of the plurality of packs comprises one or more audio packs, and a second subset of the plurality of packs comprises one or more video packs; determining whether the first pack is an audio pack based on identification information included in the data packet, wherein a first value associated with the identification data indicates that a pack is an audio pack and a second value associated with the identification data indicates that the pack is a video pack; and decoding encoded data included in the data packet according to a decoding format associated with audio data, in response to determining that the first pack is an audio pack.

Tanaka is directed to a format of data recorded in a DVD-Audio disc composed of an audio manager (AMG) and a plurality of audio title sets (ATSs) following the AMG. A plurality of audio packs are arranged in each ATS. An audio signal indicating a musical composition is encoded to audio data in a signal processing circuit, and the audio data is arranged in the audio packs. The audio data of the audio packs are formatted in a DVD formatting unit with the AMG to be arranged in the ATSs following the AMG. Table-of-contents (TOC) information indicating a top address of the audio data is automatically produced and is arranged in an empty area of the control data block reserved for the copyright information, in an area of the audio packs, in an area of the AMG or in an area of the ATSs. The AMG, the ATSs including the audio packs and the TOC information arranged at the data format in the DVD formatting unit are transmitted to a human editor through a transmission medium and are recorded in the DVD-Audio disc.

Therefore, when the audio data is read out from the DVD-Audio disc, the audio data can be easily played back from the top position of the musical composition according to the TOC information.

Tanaka fails to teach or suggest all the above claimed elements. Particularly, Tanaka fails to suggest a plurality of data packets stored on a video disk such that a first subset of the plurality of packs comprises one or more audio packs, and a second subset of the plurality of packs comprises one or more video packs. Referring to figures 1 and 2 of Tanaka, it is clear that Tanaka only suggests storing either audio data or video data on the video disk, but not both. In other words, Tanaka teaches storing the audio data exclusive of video data on a video disk. In contrast, the claimed subject matter is directed to storing the audio data and the video data on a video disk at the same time.

It is respectfully noted that the objective of Tanaka is to provide a format for storing audio data on a video disk so that an audio player device can read the audio data stored on the video disk. As such, the video disk of Tanaka cannot include both audio and video data at the same time. In contrast, the claimed subject matter is directed to a video disk that can include both types of data at the same time, while enabling an audio player to only reproduce the audio data by distinguishing between the audio packets and the video packet selectively based on an identifier embedded in the packets.

The Examiner contends that Tanaka in figures 4, 7 and 10 and columns 9 through 13 teach the claimed idea for embedding an identifier in data packets stored on a video disk to indicate whether the packets include audio data or video data. The Applicant has carefully read the cited portions of Tanaka and respectfully submits that Tanaka does not suggest the recited method in claim 1, as amended.

Tanaka, as illustrated in figures 1 through 3 and as defined in columns 9 through 12, suggests a method of storing audio data on a video disk so that the audio data can be read by an audio player. As shown, the audio data is recorded beginning from the third pack of the video block format, in contrast to video data which is recorded beginning from the first pack (9:50-52). Accordingly, Tanaka distinguishes between the audio and video data by way of a different

scheme than that recited in the pending claims (i.e., the inclusion of an identifier in the respective data packets to distinguish between audio and video data).

For the above reasons the claimed subject matter is patentably distinguishable from Tanaka. Further, since Tanaka fails to disclose at least one of the recited elements in the amended claims, the §102 rejection should be withdrawn. Therefore, it is respectfully submitted that the pending claims should be in condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 or jfar-hadian@ihlaw.com to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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